

By ECF and Email

March 8, 2020

Honorable Raymond J. Dearie
United States Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza
Brooklyn, NY 11201

Re: **United States v. Anthony Zottola**
18-609 (S2) (RJD)

Dear Judge Dearie:

This letter is respectfully submitted to provide Your Honor with additional information and is offered in support of the March 5, 2020 application to either release Mr. Zottola on bail or to transfer him to the Westchester County Jail (see document 587) which houses federal pretrial prisoners. This letter is limited to describing the conditions in the Metropolitan Correctional Center [MCC] that make it impossible for Mr. Zottola to have confidential meetings with his counsel.

As I am sure Your Honor knows, the MCC has been on “lockdown” for eleven days. Limited legal visits were restored on a unit by unit basis at the end of last week. No family visits have been permitted since the lockdown began. On Saturday, March 7, 2020, at 8:54 PM, I received an email from Deirdre D. von Dornum which indicated that Mr. Zottola was on the list of inmates who could have legal visits on Sunday, March 8, 2020.

On Sunday, I arrived at the MCC and was escorted, not to the legal visiting area on the 3rd floor, but to the area for social/family visits on a different floor. There was another attorney waiting to meet a client in the

same relatively small room. Mr. Zottola and the other attorney's client arrived within a few minutes of each other. Due to the size of the room and the total lack of privacy, it was impossible for Mr. Zottola to speak to me or I to him without being overheard by everyone in the room. These conditions made it impossible for me to have a confidential conversation with Mr. Zottola.

As Your Honor knows, Mr. Zottola has been indicted for offenses which carry the possibility of the death penalty. We have a great deal of work to do on his case, which requires us to speak about confidential matters. The Sixth Amendment guarantees Mr. Zottola the right to effective assistance of counsel, a right which cannot be met if he is held in a place which does not have facilities for privileged attorney-client conversations.

We are now approaching the 2-week mark where Mr. Zottola has not been able to meet with his counsel at all or has been able to meet with his counsel under conditions that do not permit privileged communication which is an essential foundation to effective assistance of counsel.

In light of the above, we respectfully request that Your Honor either release Mr. Zottola on bail or Order that he be transferred to the Westchester County Jail where he would be able to have confidential conversations with counsel.

Respectfully submitted,

/s/Andrew Patel
Andrew G. Patel
Counsel for Anthony Zottola

cc: All counsel by ECF
Deirdre D. von Dornum, Esq., (by email)